

Telecommunications  
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General Business Law

# The Helein Law Group, LLC

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T.R.A. DOCKET ROOM

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April 7, 2004

## VIA OVERNIGHT MAIL

Sharla Dillon  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

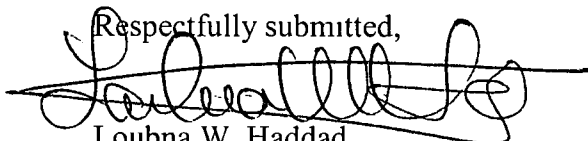
**Re: Docket No. 04-00062**

Dear Mrs. Dillon:

On behalf of National A-1 Advertising, Inc. ("National"), transmitted herewith are thirteen (13) copies of the response to Bell South's March 29, 2004 letter to you in the above-captioned docket. An original was sent on April 2, 2004. We apologize for the unintentional oversight.

Should there be any questions regarding this filing, kindly contact the undersigned

Respectfully submitted,



Loubna W. Haddad  
Regulatory Counsel

Enclosures

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April 2, 2004

## VIA OVERNIGHT MAIL

Hon. Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

**Re: Docket No. 04-00062**

Dear Chairman Tate:

On behalf of National A-1 Advertising, Inc. ("National"), we write in response to Bell South's March 29, 2004 letter to you in the above-captioned docket.

National disagrees with Bell South's representation of the settlement agreement between National and Bell South. The agreement speaks for itself. Therefore, to avoid prolonged quibbling over this point, we attach a copy of the settlement agreement for the Authority's review and consideration. It bears mention, however, that Bell South has failed to satisfy even its own interpretation of its obligations. Bell South admits in its letter that it agreed to "work in good faith to explore mutually-satisfactory alternative service arrangements." It has failed to do this. Bell South's stated position is that it will not provide National with 811 absent the blessing of the Authority and that it is prepared to take 211 away from National in mid-April.\* On the other hand, Bell South has presented absolutely no alternative service arrangements for National's consideration.

The reality is that Bell South *is* an indirect party to this proceeding because it is Bell South's actions that have given rise to the proceeding in the first place. It is

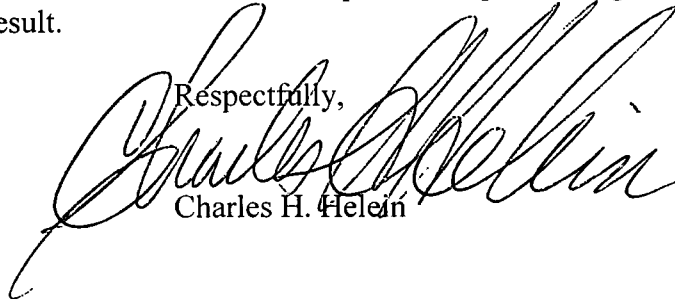
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\* It is submitted and Bell South has been so advised that its proposed action is in violation of its duties under Sections 201, 202 and 214 of the Communications Act.

National's understanding based on information provided by Authority Staff that it is only by virtue of Bell South's tariff that "requires" the Authority to approve use of abbreviated dialing codes that this matter is before the Authority.

If Bell South wanted to cooperate, this matter could have been easily resolved. Therefore, Bell South cannot remove itself from the scope of this proceeding, or avoid responsibility for the ultimate result.

Respectfully,

A large, stylized handwritten signature in black ink, appearing to read "Charles H. Helein". The signature is written over the typed name and extends upwards and to the left.

Charles H. Helein

cc: Guy M. Hicks

BellSouth Corporation  
Legal Department  
675 West Peachtree Street  
Suite 4300  
Atlanta, GA 30375-0001

William J. Ellenberg  
Senior Corporate Counsel

404.335.0731  
Fax 404.614.4054

Ellenberg.William@bsi.bls.com

July 29, 2002

Mr. Charles H. Helein  
The Helein Law Group, P.C.  
8180 Greensboro Drive  
Suite 700  
McLean, VA 22102

Dear Mr. Helein:

This letter will confirm our agreement resolving claims asserted by National A-1 Advertising, Inc. and 811 Direct, Inc. ("Complainants") against BellSouth Telecommunications, Inc. ("BellSouth") in case No. EB-02-TC-F-003 currently pending before the Federal Communications Commission ("FCC").

be  
BellSouth agrees that it will not delete its intrastate N11 service tariff for commercial users found in Section A139 of the General Subscriber Services Tariff in Alabama, Georgia, Kentucky, Florida, and Louisiana for reasons other than the recall of N11 numbers by the FCC or the request for an N11 number by an entity that has been granted priority to use that number under relevant FCC order or any other order from the FCC or state regulatory authority without providing Complainants with not less than twelve (12) months. In Tennessee, service under the A139 tariff is scheduled to be disconnected for all users no later than January 1, 2003. BellSouth agrees to take reasonable steps to extend the effective date of the disconnection of the service subject to the approval of the Tennessee Regulatory Authority ("TRA") so that the arrangement described in the preceding sentence will apply.

PRIOR  
WRITTEN  
NOTICE

Complainants agree to dismiss case No. EB-02-TC-F-003 without prejudice.

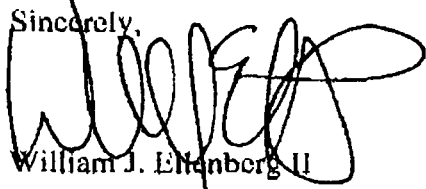
The parties agree to continue to work in good faith to explore mutually satisfactory alternative service arrangements that Complainants could use in the event currently used N11 numbers are recalled for non-commercial use or N11 service should become unavailable in the future.

Of course, by entering into this agreement, BellSouth does not admit any liability or obligation to Complainants arising out of any matter asserted in their complaint, and in fact expressly denies any liability or obligation.


Mr. Charles H. Helein  
July 29, 2002  
Page 2

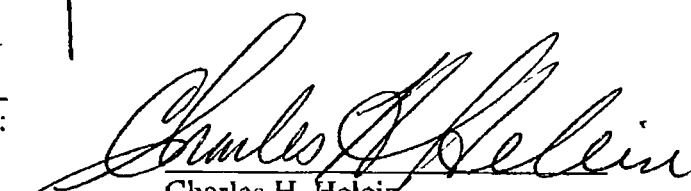
If these terms accurately reflect our agreement, please sign ~~the enclosed copy~~ of this letter and return it to me. Thank you for your courtesy and cooperation in the matter.

Sincerely,

  
William J. Ellenberg II

Agreed to: \*

\* Subject to  
marginal  
corrections  


  
Charles H. Helein  
Counsel for National A-1 Advertising, Inc. and  
811 Direct, Inc.